

## REMARKS/ARGUMENTS

Claims 1-2 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Nguyen et al.* (U.S. Pat No. 6,876,248) in view of *Dondale* (U.S. Pat No. 6,072,306). Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Nguyen et al.* (U.S. Pat No. 6,876,248) in view of *Dondale* (U.S. Pat No. 6,072,306) in further view of *Gillete* (U.S. Pat No. 6,028,438). Claim 3 is objected to as being dependent upon a rejected base claim.

### Response To Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nguyen et al.* (U.S. Pat No. 6,876,248) in view of *Dondale* (U.S. Pat No. 6,072,306).

Applicant respectfully traverses the rejection made by the Examiner for reasons discussed below.

“There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination.” *In re Oetiker*, 977 F.2d 1443, 1447, 24 USPQ 2d 1443 (Fed. Cir. 1992).

Independent claim 1 is set forth below.

“An automatic adjustment system for source current and sink current mismatch, comprising:

    a startup compensation/setup device, to perform initialization current compensation and accordingly implement a control reference table;

    a determination device, connected to the startup compensation/setup device through a second switch, to output a control signal according to the control reference table; and

    a current compensation device, connected to the startup compensation/setup device through a first switch and to the determination device, to switch corresponding internal switches on and off according to the control signal and complete the desired compensation when the source current is the same as the sink current.”

As discussed above and considering FIG. 2 of the invention as an exemplary embodiment, the second switch S2 is coupled between the startup compensation/setup device 22 and the determination device 23, the first switch S1 is coupled between the startup compensation/setup device 22 and the current compensation device 21, and the current compensation device 21 switches the first switch S1 and the second switch S2 to on or off according to the control signal Sc.

The Examiner asserts that *Nguyen* discloses all limitations in claim 1 except the first and second switches, and asserts that it is obvious to one skilled in the art at the time of the invention to modify the circuit of *Nguyen* to incorporate transistor type switches in *Dondale* “in order to control the feedback unit’s operation” apparently referring to feedback unit 420 shown in Figure 5 of *Nguyen*. With reference Figure 5 of *Nguyen*, *Nguyen* does not disclose that a switch can be coupled between any two devices. For example, item 510 does not connect to item 405N through a switch and to item 410 through another switch.

Although *Dondale* discloses transistor type switches, *Nguyen* does not disclose that the first switch and the second switch can be coupled between any two devices. Therefore, one skilled in the art would have no idea which part in *Dondale* could be employed in *Nguyen*.

The Examiner asserts that the use of a “second switch” in *Nguyen* is obvious “to disable the feedback unit when it is not functioning properly or is not needed ...” The Applicant believes that as person skilled in the art would know that feedback circuits are often used to make circuits settle to correct voltages, for example, and if a feedback circuit is not functioning properly, they know that the circuit controlled by the feedback circuit will not behave correctly. Thus they are motivated in such a situation to repair the feedback circuit as opposed to adding a switch to disable it. And exactly when is *Nguyen*’s feedback circuit not needed? Please read the disclosure at column 10, lines 46-66 of *Nguyen* and kindly explain why the feedback circuit needs to be disabled by a switch and when that would occur. What problem does *Nguyen* have which would motivate a person skilled in the art to add such a “second switch” for that purpose?

Kindly answer the same questions with respect to the “first switch”.

And if it is somehow obvious to add a second switch to disable the feedback circuit of *Nguyen* (which is denied), then why is it also necessary (according to the Examiner’s reasoning) to add yet another switch (the recited first switch) for apparently the same purpose? Note that the Examiner asserts at lines 6-8 on page 3 of the Office Action that the first switch is added for basically the same reason that the second switch is added.

According to MPEP 2141.01, III, “content of the prior art is determined at the time the invention was made to avoid hindsight”. Unfortunately, the combination of *Nguyen* and *Dondale* to limit the rejected claims of this application is based on hindsight reconstruction of applicant’s claims. Since it is hindsight to add transistor type switches of *Dondale* into circuit of *Nguyen*, the rejection of claim 1 under 35 U.S.C 103 (a) is believed to be improper.

Dependent claims 2, 3 and 5 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Nguyen* et al.(U.S. Pat No. 6,876,248) in view of *Dondale* (U.S. Pat No. 6,072,306) in further view of *Gillete*(U.S. Pat No. 6,028,438).

When addressing the patentability of claim 4 the Examiner asserts on page 4 of the Office Action that *Nguyen* teaches the startup compensation/setup device comprises an amplifier (item 605), an analog-to-digital converter (item 710), and a logic controller (item 1105). With reference to FIG. 11A of *Nguyen*, item 410 comprises items 605, 710, and 1105. Therefore, the Examiner apparently considers that item 410 is the startup compensation/setup device of claim 1. However, when considering the patentability of claim 1 on page 2 of the Office Action, the Examiner asserts that item 410 of *Nguyen* corresponds to the current compensation device of the invention. Since the startup compensation/setup device differs from the current compensation device, it not understood how item 410 can be both the startup compensation/setup device and the the

current compensation device when rejecting claim 4 since that claim is dependnet upon claim 1.

Since one skilled in the art would have no idea which part in *Dondale* could be employed in *Nguyen*, the rejections under 35 U.S.C 103(a) for claim 4 of the present application should be withdrawn.

#### Claim amendments

Claims 2 and 3 are amended herein to correct readily apparent editorial errors. These amendments in no way alter the scopes of this claims.

A new claim 9 is added by this response. Claim 9 is a method claim and the Examiner will note similarities between its language and the functional language found in claim 1.

#### ***CONCLUSION***

In is submitted that the now pending claims 1-5 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Response to Official Action  
Dated 2 May 2006  
Re: USSN 10/727,972  
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[Signature]  
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(Date)

Respectfully submitted,

A handwritten signature of Richard P. Berg.

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